

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**COUNTY OF ALLEGHENY, a political subdivision of the Commonwealth of Pennsylvania,**

**No. 2:20-1418**

**Plaintiff,**

**v.**

**THE CRACKED EGG, LLC,**

**Defendant.**

**NOTICE OF REMOVAL**

**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

The Defendant, The Cracked Egg, LLC, by and through its counsel, Robert O Lampl, James R. Cooney, Ryan J. Cooney, Sy O. Lampl and Alexander L. Holmquist, hereby gives notice of the removal of the above-captioned matter from the Court of Common Pleas of Allegheny County, Pennsylvania at Case No. GD-20-00-9809 to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. Sections 1331, 1441 and 1446, and in support thereof avers the following:

1. The Cracked Egg, LLC is a Defendant in a civil action brought on September 16, 2020 in the Court of Common Pleas of Allegheny County, Pennsylvania at Case No. GD-20-00-9809. Pursuant to the provisions of Sections 1332, 1441 and 1446 of Title 28 of the United States Code, Defendant removes this action to the United States District Court for the Western District of Pennsylvania.

2. The Complaint was served upon the Defendant, The Cracked Egg, LLC, on September 16, 2020 by E-Mail.

3. The grounds for the removal of this Action are:

a. This is a civil action in which the District Court has original jurisdiction in that it arises under the laws of the United States within the meaning of 28 U.S.C. 1331.

b. More specifically, the claims arise under the Constitution of the United States, including, among other things, the First Amendment and the Fourteenth Amendment.

4. This Notice of Removal is timely under Section 1446 (b) of Title 28 of the United States Code because the Notice of Removal is filed within thirty days of service of the Complaint.

5. Pursuant to 28 U.S.C. 1446 (a), true and correct copies of the Docket and all previous filings in the Court of Common Pleas of Allegheny County at No. GD-20-00-9809 are attached hereto as **EXHIBIT A** and **EXHIBIT B**.

6. A copy of this Notice of Removal has been served upon all parties to the state action as well as upon the Department of Court Records of Allegheny County, Pennsylvania.

WHEREFORE, the civil action filed in the Court of Common Pleas of Allegheny County at No. GD-20-00-9809 is hereby removed to the United States District Court for the Western District of Pennsylvania.

Respectfully Submitted,

/s/ James R. Cooney

James R. Cooney  
PA I.D. #32706  
Robert O Lampl  
PA I.D. #19809  
Ryan J. Cooney  
PA I.D. #319213  
Sy O. Lampl  
PA I.D. #324741  
Alexander L. Holmquist  
PA I.D. #314159  
Benedum Trees Building  
223 Fourth Avenue  
Fourth Floor  
Pittsburgh, PA 15222  
(412) 392-0330 (phone)  
(412) 392-0335 (facsimile)

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**Plaintiff,**

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**THE CRACKED EGG, LLC,**

**Defendant.**

**CERTIFICATE OF SERVICE**

I, James R. Cooney, hereby certify that on the 18th day of September, 2020, I served true and correct copies of the within **NOTICE OF REMOVAL** upon the following parties by E-mail addressed as follows:

Vijya Patel  
Assistant Solicitor  
Allegheny County Health Department  
301 39<sup>th</sup> Street  
Building #7  
Pittsburgh, PA 15201  
[Vijya.patel@alleghenycounty.us](mailto:Vijya.patel@alleghenycounty.us)

Court of Common Pleas of Allegheny County  
Civil Motions  
[civilgenmotions@alleghenycourts.us](mailto:civilgenmotions@alleghenycourts.us)

/s/ James R. Cooney  
James R. Cooney